

COMBINED DECLARATION AND POWER OF ATTORNEY

a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

•	which was filed on June 18, 20 plication No. PCT/AU2004/000	•		lo or (if applicable).
I hereby state that	I have reviewed and understand by any amendment referred to abo	the contents of the abo		ication, including the
eral Regulations, §1.	duty to disclose information which 56, including for continuation-in-te of the prior application and the	part applications, materi	ial information which	ch became available
tion(s) for patent, inven at least one country ot tion(s) for patent, inven	n priority benefits under Title 35, Unit tor's or plant breeder's rights certifica her than the United States of Americ tor's or plant breeder's rights certifica n which priority is claimed:	te(s), or 365(a) of any PC a, listed below, and I hav	T international applice also identified belo	ation which designated w any foreign applica-
Prior Foreign Applica	tion(s)			Priority claimed
(Number)	(Country)	(Day/m	onth/year filed)	Yes No
(Number)	(Country)	(Day/m	onth/year filed)	Yes No
I hereby claim the l ion(s) listed below:	benefit under Title 35, United State	es Code, § 119(e) of any	/ United States pro	visional applica-
60/479,320		18 Ju	ne 2003	
(Application No.)		(Filing		
(Application No.)		(Filing I	Date)	
I hereby clain below and, insofar as States application in t he duty to disclose in	n the benefit under Title 35, United the subject matter of each of the he manner provided by the first pa formation which is material to pate between the filing date of the prio	I States Code, §120 of a claims of this application aragraph of Title 35, Unitentability as defined in T	iny United States a is not disclosed in ted States Code, § itle 37, Code of Fe	the prior United 112, I acknowledge deral Regulations,
Application No.)		(Filing date)	(Status: patented, pe	ending, abandoned)
869/035 US (P164US2) Page 1 of 3				

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130.00 BP

)3/31/2006 SHASSEH1 00000038 10560963

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, all of the practitioners associated with Customer Number 22440 as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence and telephone calls to Michael I. Rackman at the address and telephone number associated with the Customer Number identified above.

Full name of first inv	entor Malcoim Ronald HEBBLEWHITE	191JAN 2005
		1/19/06
Inventor's Signature	M.R. Heblhshite	Date
Residence	- 235 Market Street, #601, San Diego, CA 92101 / 08	Quai Presse Slige
Citizenship	-United States of America - AUSTRALIA	hyon 6700]
Post Office Address	-same as above c/- Restled Ltd.	
Full name of second	1 Elizabeth Macarthur Drive, Bella 2153 Australia Joint Inventor, <u>Kieran GALLAHUE</u>	Vista,New South Wales
Inventor's Signature		Date
Residence	4746 Shadwell Place, San Diego, CA 92130	
Citizenship	United States of America	
Post Office Address	same as above	
Post Office Address		
Full name of third join	nt inventor,David MULCAHY	
Inventor's Signature		Date
Residence	6 Killamey Close, Castle Hill NSW 2154 Australia	
Citizenship	Australia	
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista Australia	, New South Wales 2153
Full name of fourth jo	int inventor, Hary Soesanto SURJADI	
Inventor's Signature		Date
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Aus	tralia
Citizenship	Australia	
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, N Australia	lew South Wales 2153

Full name of fifth joint	inventor, Benriah GOELDI		
Inventor's Signature	Date		
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia		
Citizenship	Australia		
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia		
Full name of sixth join	t inventor, Chee Keong PHUAH		
Inventor's Signature	Date		
Residence	78 Pacific Avenue, Penshurst, Sydney, New South Wales 2222 Australia		
Citizenship	Malasia (MY)		
Post Office Address	same as above		
Full name of seventh j	oint inventor, Ron RICHARD		
Inventor's Signature	Ron Rochal Date 1-24-06		
Residence	33376 Barrington Drive, Temecula, CA 92592		
Citizenship	United States of America		
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857		
Full name of eighth joint Inventor,			
Inventor's Signature	Date		
Residence	4165 Rochester Road, San Diego, California 921116		
Citizenship	United States of America		
Post Office Address	same as above		



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METHOD AND APPARATUS FOR MONITORING BARIATRIC PARAMETERS AND SLEEP DISORDERED BREATHING

			•
		4, as United States Application Serial 96, and was amended on	
POT International App	incation No. 1 STPASE00470001	oo, and was amended on	(ii upplicable).
I hereby state that claims, as amended b	I have reviewed and understand the year amendment referred to above	e contents of the above identified spe e.	cification, including the
Federal Regulations.	§1.56, including for continuation e filing date of the prior application	n is material to patentability as definent- n-in-part applications, material inform on and the national or PCT internati	nation which became
application(s) for patent designated at least one application(s) for patent	inventor's or plant breeder's rights of country other than the United States of	nited States Code, §119 (a)-(d) or (f), or certificate(s), or 365(a) of any PCT intermof America, listed below, and I have also identificate(s), or any PCT intermational applications.	national application which entified below any foreigr
Prior Foreign Applicat	ion(s)		Priority claimed
(Number)	(Country)	(Day/month/year filed)	Yes No
(Number)	(Country)	(Day/month/year filed)	Yes No
I hereby claim the tapplication(s) listed be		Code, § 119(e) of any United States p	provisional
60/479,320		18 June 2003	
(Application No.)		(Filing Date)	3-
(Application No.)		(Filing Date)	
below and, insofar as States application in the the duty to disclose in	the subject matter of each of the cla he manner provided by the first para formation which is material to paten	States Code, §120 of any United States aims of this application is not disclosed agraph of Title 35, United States Code stability as defined in Title 37, Code of application and the national or PCT into	I in the prior United , §112, I acknowledge Federal Regulations,
(Application No.)		(Filing date) (Status: patented	d, pending, abandoned)

3869/035 US (P164US2) Page 1 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inv	entorMalcolm Ronald HEBBLEWHITE
Inventor's Signature	Date
Residence	235 Market Street, #601, San Diego, CA 92101
Citizenship	United States of America
Post Office Address	same as above
Full name of second	joint inventor, Kieran GALLAHUE
Inventor's Signature	Date 1/206
Residence	47.46 Shadwell Place, San Diego, CA 92130
Citizenship	/United States of America
Post Office Address	same as above
Post Office Address	
Full name of third joi	nt inventor,David MULCAHY
Inventor's Signature	Date
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia
Full name of fourth jo	pint inventor, Hary Soesanto SURJADI
Inventor's Signature	Date
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia

3869/035 US (P164US2) Page 2 of 3

Full name of fifth joir	nt inventor, Benriah GOELDI
Inventor's Signature	Date
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 Australia
Full name of sixth joi	nt Inventor, Chee Keong PHUAH
Inventor's Signature	philhy Date 30 JAN 2006
Residence	78 Pacific Avenue, Penshurst, Sydney, New South Wales 2222 Australia
Citizenship	MALAYS(A) Malasia (MY)
Post Office Address	same as above
Full name of seventh	joint inventor, Ron RICHARD
Inventor's Signature	Date
Residence	33376 Barrington Drive, Temecula, CA 92592
Citizenship	United States of America
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857
Full name of eighth jo	pint inventor,Deirdre STEWART
Inventor's Signature	Date
Residence	4165 Rochester Road, San Diego, California 921116
Citizenship	United States of America
Post Office Address	same as above

P164US2

Docket No.: 3869/35 US



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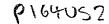
, the specification of v	which was filed on June 18, 200	04, as United States Application Se	erial No or
		796, and was amended on	
	I have reviewed and understand to y any amendment referred to about	he contents of the above identified re.	specification, including the
eral Regulations, §1.	56, including for continuation-in-pa	is material to patentability as define art applications, material information national or PCT international filing of	n which became available
tion(s) for patent, invent at least one country off tion(s) for patent, invent	tor's or plant breeder's rights certificate ner than the United States of America	d States Code, §119 (a)-(d) or (f), or 36(s), or 365(a) of any PCT international, listed below, and I have also identifie e(s), or any PCT international application	application which designated d below any foreign applica-
Prior Foreign Applicat	tion(s)		Priority claimed
3			
(Number)	(Country)	(Day/month/year filed)	Yes No
(Number)	(Country)	(Day/month/year filed)	Yes No
I hereby claim the tion(s) listed below:	penefit under Title 35, United States	s Code, § 119(e) of any United State	es provisional applica-
60/479,320		18 June 2003	
(Application No.)		(Filing Date)	
(Application No.)		(Filing Date)	
below and, insofar as States application in to the duty to disclose in	the subject matter of each of the cl he manner provided by the first par formation which is material to pater	States Code, §120 of any United St laims of this application is not disclo ragraph of Title 35, United States Co ntability as defined in Title 37, Code application and the national or PCT	sed in the prior United ode, §112, I acknowledge of Federal Regulations,
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Full name of first inver	ntor Malcolm Ronald HEBBLEWHITE				
Acada Ciamantana		Data			
Inventor's Signature		_ Dale _			
Residence	235 Market Street, #601, San Diego, CA 92101			<u>-</u>	
Citizenship	United States of America			<u>.,</u>	
Post Office Address	same as above				
Full name of second jo	int Inventor, Kieran GALLAHUE				
Inventor's Signature		_Date _			· · ·
Residence	4746 Shadwell Place, San Djego, CA 92130				
Citizenship	United States of America				
Post Office Address	same as above				
Post Office Address				·	
Full name of third joint	inventor,				
Inventor's Signature	Dand Milaly	_ Date _	20	Jan	2006
Residence	6 Killarney Close, Castle Hill NSW 2154 Australia				
Citizenship	Australia				
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, Australia	New So	uth W	ales 215	<u>3</u>
Full name of fourth join	nt inventor, Hary Soesanto SURJADI				
Inventor's Signature	KSOROUD	_Date _	20	Jan	2006
Residence	165 Somerville Road, Hornsby Heights, NSW 2077 Austr	alia			
Citizenship	Australia	 -			
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, Ne Australia	w South	n Wale	es 2153	

Full name of fifth joir	nt inventor, Benriah GOELDI	
Inventor's Signature	Blocki Date 20	JAN ZOOG
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia	
Citizenship	Australia	
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Docket No.: 3869/35 US

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	filed on <u>June 18, 2004,</u> as lo. <u>PCT/AU2004/000796</u> , a			
I hereby state that I have reclaims, as amended by any am	viewed and understand the con- endment referred to above.	tents of the above	identified specifica	tion, including the
eral Regulations, §1.56, includ	sclose information which is mate ing for continuation-in-part app prior application and the nationa	lications, material	information which	became available
tion(s) for patent, inventor's or plan at least one country other than th	enefits under Title 35, United States nt breeder's rights certificate(s), or e United States of America, listed nt breeder's rights certificate(s), or prity is claimed:	365(a) of any PCT is below, and I have a	nternational applications and identified below a	n which designated any foreign applica-
Prior Foreign Application(s)				Priority claimed
(Number)	(Country)	(Day/mon	th/year filed)	Yes No
·				
(Number)	(Country)	(Day/mon	th/year filed)	Yes No
I hereby claim the benefit untion(s) listed below:	der Title 35, United States Code	, § 119(e) of any L	Inited States provis	ional applica-
60/479,320		18 June	2003	
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below and, insofar as the subje States application in the manner the duty to disclose information	efit under Title 35, United States ct matter of each of the claims or er provided by the first paragraph which is material to patentability the filing date of the prior applica	of this application is n of Title 35, United y as defined in Title	s not disclosed in the d States Code, §112 e 37, Code of Feder	e prior United 2, I acknowledge al Regulations,
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Full name of fifth joint	inventor, Benriah GOELDI
Inventor's Signature	Date
Residence	Unit 17, 15-17 Ralston Street, Lane Cove, NSW 2066 Australia
Citizenship	Australia
Post Office Address	c/- ResMed Ltd, 1 Elizabeth Macarthur Drive, Bella Vista, New South Wales 2153 <u>Australia</u>
Full name of sixth join	it inventor, <u>Chee Keong PHUAH</u>
Inventor's Signature	Date
Residence	78 Pacific Avenue, Penshurst, Sydney, New South Wales 2222 Australia
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Post Office Address	same as above
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Residence	33376 Barrington Drive, Temecula, CA 92592
Citizenship	United States of America
Post Office Address	1040 Danielson Street, Poway, CA 92064-6857
Full name of eighth jo	int Inventor, Deirdre STEWART
Inventor's Signature	Date 25/2/06
Residence	4165 Rochester Road, San Diego, California 921116
Citizenship	United States of America
Post Office Address	same as above

OIPE								
4							PTO/SB/17 (01-06)	
Approved for use through 07/31/2006. OMB 0651-0032 MAR .9 0 2000: U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE								
Made the Page of Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number								
Ages pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).				Complete if Known Application Number 10/560,963			wn	
TRANSMITTAL			1 ^					
For FY 2006						December 14, 2005		
FOI F1 2006			-			HEBBLEWHITE et al		
Applicant claims small entity status. See 37 CFR 1.27						To be assigned		
TOTAL AMOUNT OF PAYN	MENT (\$)	130.00	<u> </u>			To be assigned		
TOTAL AMOUNT OF TAME	ΙΕΙΝΙ (Φ)	130.00	I A	ttorney Docket	NO.	3869/035 US		
METHOD OF PAYMENT (check all that apply)								
Check Credit Card Money Order None Other (please identify):								
Deposit Account Deposit Account Number: 07-1730 Deposit Account Name: Gottlieb Rackman & Reisman								
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)								
Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee								
Charge any additional fee(s) or underpayments of fee(s)								
under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card								
Information and authorization on PTO-2038.								
FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)								
BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES								
	<u>s</u>	mall Entity		inees Small Entity	EXAI	MINATION FEES Small Entity		
Application Type	Fee (\$)		ee (\$)	Fee (\$)	<u>Fee</u>		Fees Paid (\$)	
Utility	300		500	250	200			
Design	200		100	50	130	•	-	
Plant	200		300	150	160			
Reissue	300		500	250	600			
Provisional	200	100	0	0	(0	S	
2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$)								
Each claim over 20 (including Reissues)						50	25	
Each independent claim over 3 (including Reissues)						200	100	
Multiple dependent claims <u>Total Claims</u>						360 Multiple D	180 ependent Claims	
<u>Total Claims</u>						Fee (\$)	Fee Paid (\$)	
HP = highest number of total of	•		F D-	.: (& \				
Indep. Claims - 3 or HP =	Extra Claim	<u>s Fee (\$)</u> x =	Fee Pa	<u>iiu (\$)</u>				
HP = highest number of independent claims paid for, if greater than 3.								
3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50								
sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) - 100 = / 50 = (round up to a whole number) x =								
4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount) Fees Paid (\$)								
-	Other (e.g., late filing surcharge): Declaration Late filing Surcharge 13							

Signature Registration No. (Attorney/Agent) 20,639 Telephone 212-684-3900

Name (Print/Type) Michael I. Rackman Date March 28, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the

SUBMITTED BY

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.